

**REMARKS/ARGUMENTS**

After the foregoing amendments, claims 1, 3-13, 15-21, and 23-26 are currently pending in this application. Claims 2, 14, and 22 have been canceled without prejudice. Claims 1, 13 and 21 have been amended to incorporate the subject matter of claims 2, 14, and 22, respectively. Claims 13, 14, 18-22 and 26 stand rejected under 35 USC § 102(e) as being anticipated by Filipovic (U.S. Patent No. 6,868,263). Claims 1, 2, 11, 12, 17, and 25 stand rejected under 35 USC § 103(a) as being unpatentable over Filipovic.

Filipovic discusses automatic gain control for a wireless communication device using a digital variable gain amplifier with an improved architecture that scales digital samples that correspond to a baseband signal. The improved architecture includes a multiplier, a shift register and a bit selector which outputs to a demodulation unit (see column 2 lines 25-42).

**Claim Rejections - 35 USC § 102(e)**

Regarding claims 13 and 21, Filipovic discloses initializing the accumulator to a maximum value, but is silent as to a means for initializing the attenuator. Amended claims 1, 13, and 21 state that the AGC is initialized by initializing the accumulator *and* setting the gain of the attenuator. Filipovic has no mention of a

digital attenuator. Applicant believes this to be a novel part of the invention.

Supporting the amendment of the claims, paragraph 0033 of the application states

First, the accumulator 112 and the setting of the attenuator 102 are initialized. For the current setting of the attenuator 102, the ADC 104 samples the received signal.

Filipovic is completely silent as to this aspect, and discloses only generally that the accumulator needs to be initialized to a maximum value, but fails to discuss a initializing the attenuator. Applicant therefore believes claims 13 and 21 to be distinguishable over Filipovic.

Regarding claim 1, Filipovic discloses initializing only the accumulator to a maximum value. However, the art fails to support Examiner's assertion that Filipovic discloses setting the gain of the attenuator as an initialization step. Claim 1, as amended, includes initializing the accumulator and setting the gain of the attenuator, which Filipovic does not address. Applicants' invention therefore differs significantly from the prior art.

Applicant respectfully reasserts that it is well settled in the law that the fact that the prior art could be modified to produce the claimed invention does not make the claimed invention obvious unless there is something in the prior art to suggest the desirability of making such a modification. *In re Laskowski* 10 USPQ2d 1397, 1398 (Fed.Cir. 1980). There is also nothing in Filipovic to suggest that initializing the accumulator would also necessitate initializing the attenuator. There is no

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mention in Filipovic of setting an attenuator, Applicant therefore believes claims 1, 13, and 21 to be in condition for allowance.

Because the independent claims (i.e., claims 1, 13, and 21) are distinguishable over Filipovic, the dependent claims (i.e., claims 3-12, 15-20, and 23-26) are also distinguishable over Filipovic for the same reasons provided above.

### **Conclusion**

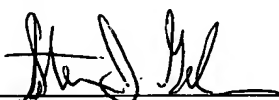
If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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In view of the foregoing remarks, Applicants respectfully submit that the present application, including claims 1, 3-13, 15-21, and 23-26, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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